

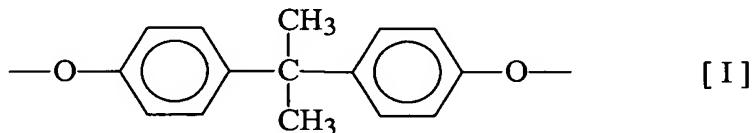
**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

1. (Currently Amended) A binder resin for toner comprising a polyester structure comprising a structure derived from carboxylic acid and a structure derived from alcohol, wherein

the polyester structure contains the structural unit of the following formula [I] in an amount of 1 mol% or less with respect to all the structural units derived from alcohol:



the content of tin is 5 ppm or less;

the content of an element selected from titanium, germanium and aluminum ranges from 10 ppm to 1500 ppm; [[and]]

the melting temperature is 110°C or higher, and

the resin further comprises 0.1 to 10 mol% of a structural unit derived from isocyanate compound based on the sum of all the structural units derived from carboxylic acid and of all the structural units derived from alcohol equaling 100 mol%.

2. (Canceled)

3. (Previously Presented) The binder resin for toner according to claim 1, wherein binder resin comprises 0 to 40% by mass of THF-insoluble components and 100 to 60% by mass of THF-soluble components.

4. (Previously Presented) The binder resin for toner according to claim 1, wherein

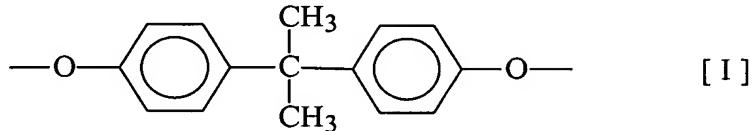
at least 60 mol% of the structures derived from carboxylic acid comprise a structure derived from terephthalic acid,

at least 40 mol% of the structural units derived from alcohol comprise a structure derived from ethylene glycol, and

at least 75 mol% of the structural units derived from alcohol comprise structures derived from ethylene glycol and neopentyl glycol.

5. (Previously Presented) The binder resin for toner comprising a polyester structure comprising a structure derived from carboxylic acid and a structure derived from alcohol, wherein the binder resin is obtained from 10 to 60% by mass of polyester resin (A) having an OH number of 30 to 90 KOH mg/g and glass transition temperature of 0 to 50°C, and 40 to 90% by mass of polyester resin (B) having an OH number of 10 KOH mg/g or less and a molecular weight of 1000 to 4000, and comprising at least 10 mol% of a structure derived from isophthalic acid, with respect to 100 mol% of all the units derived from the alcohol constituting the polyester, and from polyvalent isocyanate;

the structural unit of the following formula [I] constitutes 1 mol% or less of all the structural units derived from alcohol;



; and

the melting temperature is 110°C or higher.

6. (Previously Presented) The binder resin for toner according to claim 5, wherein polyester (A) has a number-average molecular weight of 1000 to 4000 and comprises 2 to 20 mol% of structural units derived from polyvalent alcohol with a molecular valence of 3 or higher, with respect to 100 mol% of all the units derived from the alcohol constituting the polyester; and that polyester (B) has a glass transition temperature of 40 to 80°C.

7. (Previously Presented) A toner comprising the binder resin for toner described in claim 5.

8. (Previously Presented) A toner comprising the binder resin for toner described in claim 1.